

THE LAW OFFICE OF

ELISA HYMAN, P.C.

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March 24, 2021

*BY ECF*

The Honorable Paul A. Engelmayer  
United States District Court - Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *J.M. et al., v. New York City Department of Education, et al.*  
1:20-cv-01329 (PAE)

Dear Judge Engelmayer:

I represent the Plaintiffs in the above-referenced action.<sup>1</sup> I write jointly with Defendants' counsel to respectfully request an adjournment of the case management conference scheduled for March 28, 2022 at 3:00 pm.

The parties have engaged in multiple discussions and negotiations concerning a settlement of this matter. The parties believe that we are close to reaching an agreement to settle Plaintiffs' compensatory services claims. The parties have already exchanged drafts of a proposed Stipulation of Settlement and do not expect to have any issues finalizing that document. If we can finalize terms regarding the compensatory education claims, the parties would also need to address Plaintiffs' claim for attorneys' fees and costs. Plaintiffs will provide Defendants with their billing records, and Defendants will then need time to obtain authority from the Comptroller's Office to settle this aspect of the case. The parties are optimistic that we will be able to resolve these issues without involving the Court. Additional time is needed, however, for further discussions and to finalize any agreement. Accordingly, the parties respectfully request an adjournment *sine die* of the conference scheduled for March 28, 2022. The parties propose submitting a status report or the Stipulation of Settlement no later than May 2, 2022.<sup>2</sup>

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<sup>1</sup> This is an action alleging, *inter alia*, that the Defendants violated Plaintiffs' rights under the IDEA, Section 504 of the Rehabilitation Act, and Section 1983 over the course of multiple school years. D.M., J.M.1 and T.M. are 21-year-old triplets who are all classified as autistic with significant educational needs.

<sup>2</sup> Counsel for both parties are out of the office for a week in mid-April and are thus requesting slightly more than 30 days.

The parties thank Your Honor for your consideration of this matter.

Respectfully Submitted,

*Erin O'Connor*

Erin O'Connor, Esq., Of Counsel  
*Counsel for the Plaintiffs*

cc: Andrew Rauchberg, Esq.  
*Counsel for the Defendants*  
Via ECF

The case management conference previously scheduled for March 28, 2022 at 4 p.m. is hereby adjourned until May 6, 2022 at 3 p.m. The parties are to submit a stipulation of settlement or status letter by May 2, 2022. SO ORDERED.

*Paul A. Engelmayer*

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PAUL A. ENGELMAYER  
United States District Judge  
3/25/22